

1 (Defendant is present.)

2 THE COURT: Mr. Galyon.

3 MR. GALYON: First matter for the Court this morning
4 is 1:07CR43-1. It's United States of America versus
5 Quesada-Guerrero. Your Honor, he's represented by Charles
6 White.

7 Ms. Bojanini is here for purposes of translation. The
8 matter is on for imposition of sentence.

9 THE COURT: Ms. Bojanini was sworn last time, so I
10 don't believe we need to redo that this time. Thank you for
11 being here.

12 There was to be evidence, or we're just here to talk
13 about the obstruction?

14 MR. GALYON: That's correct, Your Honor.

15 THE COURT: No further evidence?

16 MR. WHITE: No further evidence for the Defendant,
17 Your Honor.

18 THE COURT: Mr. Galyon, why don't I hear from you with
19 regard to obstruction, and then I'll hear from Mr. White with
20 regard to that, and then with regard to whether or not if
21 obstruction is found, that would impact on the finding of
22 acceptance of responsibility.

23 MR. GALYON: Your Honor, as to obstruction under
24 3(c)1.1, I would argue that there are -- would be bases in terms
25 of the commentary notes for 4B and F. B refers to a covered

1 reason for providing for the obstruction enhancement based on
2 committing perjury that pertains to conduct that forms the basis
3 of the offensive conviction, and note F talks about the
4 obstruction enhancement is appropriate if the individual
5 provides materially false information to a judge or magistrate;
6 and the Court, during our hearing on Wednesday, sort of
7 mentioned the three areas that really are the issue that I think
8 impact on obstruction:

9 One is the Defendant's denial about putting the gun in
10 Ms. Thilo's side, because that is the basis for an enhancement
11 that is certainly relevant conduct. I think that that could be
12 one of the grounds. Certainly there was credible testimony
13 regarding that.

14 In addition, the Defendant's denial, false denial
15 about pointing the gun at Officer Gill, and the fact that that,
16 too, is the basis for a six level enhancement, which is
17 certainly relevant conduct as well.

18 Lastly, his denial of statements to Detective Williams
19 subsequent to his arrest, but before the immunity agreement was
20 in place regarding the 100 kilos, he claimed that he never made
21 that statement. He also initially denied during his testimony
22 that he made any statement about 30 kilos payment being included
23 in the tractor trailer that was stopped, and then during cross,
24 he did admit that he told the officer that there was money in
25 the truck, but that he didn't have anything to do with that,

1 despite his admission that he, of course, knew the driver of the
2 truck, that there had been phone contact between them
3 immediately after the stop of the tractor trailer by law
4 enforcement, the fact that the Defendant admits that he knew
5 that the officers had attempted to search but found nothing, so
6 all of those things certainly don't square in terms of his
7 statements, and I would argue that that, too, can be a basis for
8 obstruction, because he, this Defendant, by swearing an oath and
9 then testifying before the Court falsely, I think puts himself
10 at risk of the obstruction enhancement.

11 In addition to that, Your Honor, his claim even on the
12 stand that the codefendant Sosa-Dominguez was not involved,
13 didn't have anything to do with the conspiracy can also be a
14 basis.

15 Fourth Circuit case United States versus Keiland, 360
16 F. 3d. 456, a 2004 case out of this circuit indicating false
17 statement regarding culpability of a codefendant is also
18 sufficient to support an enhancement for obstruction, and I
19 would argue that, too, is sort at the heart of the issue
20 regarding this Defendant's denials about his involvement,
21 really, in the conspiracy, and the involvement of others in the
22 conspiracy as well.

23 So, I would argue that under those various grounds,
24 that the 3(c)1.1 obstruction enhancement would be appropriate.

25 If the Court wants me to, I only have a very short

1 comment related to the denial of acceptance. If the Court wants
2 me to address that, I will.

3 THE COURT: Remember, acceptance is the Defendant's
4 burden to prove. I will let you, since you have the floor, go
5 ahead and make it.

6 MR. GALYON: The only other part about that is the
7 false denial, of course, of relevant conduct, and denial of the
8 conspiracy would be a basis for denial of acceptance, and in
9 particular, that commentary note four in 3E1.1 talks about only
10 in the extraordinary case where an individual can, if the person
11 gets obstruction, can then get acceptance as well, and I would
12 argue that this is not an extraordinary case, that what we've
13 seen based on the Defendant's own testimony on Wednesday is,
14 clear evidence of the fact that he's not accepted responsibility
15 for his conduct. He's continually tried to minimize and spin
16 his involvement and the involvement of others in the conspiracy.

17 THE COURT: Thank you.

18 Mr. White.

19 MR. WHITE: Thank you, very much, Your Honor.

20 Judge, with regard to the three aspects, I would agree
21 with Mr. Galyon that would appear to be -- well, perhaps let me
22 phrase it upon which there was conflicting evidence.

23 Judge, I would certainly agree with the Court's
24 analysis that the testimony of all of the witnesses was
25 extremely credible. It was straightforward and there were no

1 contradictions. There was no indication of deception or
2 anything of the sort and I would never suggest that there was.
3 What I would suggest, Your Honor, is in each instance there was
4 a question of perception.

5 Judge, with regard, first of all, to the statement to
6 Detective Williams regarding the hundred kilograms in the truck,
7 30 of which -- payment for 30 of which was in the truck that
8 left the scene. Judge, as Detective Williams indicated during
9 cross-examination, we went around and around about that during
10 the debriefing sessions. Danilo has consistently insisted that
11 was a misunderstanding, he didn't mean to say that, he didn't
12 say that, and that wasn't part of the thing, yet he went on in
13 great detail about other involvement that he had and was very
14 thorough in his involvement and the involvement of others
15 throughout the course of the conspiracy.

16 Jumping a little bit out of order, that brings us to
17 the situation involved in the codefendant Mr. Sosa. First of
18 all, I don't believe there is any evidence before --

19 THE COURT: I'm not going to base a finding on that.

20 MR. WHITE: Thank you. Then I won't belabor that
21 issue.

22 The next statement then, of course, is the testimony
23 of Ms. Thilo, who unquestionably, believed, and was -- she was
24 in danger, Judge. When we did admit and withdraw any objection
25 to that enhancement, it was intended to cover all the conduct;

1 the chase and the incident with Ms. Thilo -- Danilo --
2 Mr. Quesada, rather, is insistent that he never intended to harm
3 that woman, never intended to take her van, and he -- I pressed
4 him on that. I said, if there was anything involved there, if
5 it was a fleeting moment, idea, it was something you panicked
6 and then realized it wasn't a good idea, he said he never
7 intended to harm that woman, never intended to take her van.
8 He's been insistent on that consistently; yet, he has gone
9 through the entire process and been forthright about everything
10 else involved in the case, and I would submit, Your Honor, he
11 was forthright about that. It was her perception.
12 Unquestionably she was in danger, and yet I believe that
13 Mr. Quesada-Guerrero never intended to harm that woman.

14 Similarly, Judge, he never intended to point the gun
15 at the police officer. The police officer said he stopped
16 exactly what might have happened, I'm chasing somebody who is
17 waving a gun, I'm going to assume he's pointing it at me if it
18 comes back at me. Mr. Quesada-Guerrero indicated that he did
19 not intend to shoot at the officer.

20 Candidly, Judge, if he had intended to shoot at the
21 officer, he would have shot at the officer. Similarly, if he
22 intended to take the van, he would have taken the van. That was
23 the basis for his testimony, he didn't intend to do either of
24 those things.

25 The last aspect, something I said concerning the

1 officer, Judge, and I completely lost it. I beg the Court's
2 pardon.

3 Last aspect with regard to the testimony he gave on
4 the stand about not being involved in that particular
5 transaction. Obviously, Judge, he was involved in the
6 transaction. It's a semantic situation, I would suggest to the
7 Court that was Arlay's -- that was Arlay's deal. He admitted he
8 was helping Arlay. We know being trained in the law that's
9 being part of the conspiracy, that makes it just as much his as
10 Arlay's, and he drove recklessly, crazily, and we're lucky
11 nobody is dead, Judge, there is no question about that. He knew
12 it was bad. He didn't know how much it was, and that was the
13 basis of the testimony, Judge, it wasn't intent or to minimize
14 his involvement. He spent hours, Judge, detailing his
15 involvement in this conspiracy, and we urge Your Honor to not
16 find obstruction as a result of that.

17 THE COURT: Thank you, Mr. White.

18 I really did not get the impression from Detective
19 Williams' testimony, that Mr. Quesada was forthright in
20 detailing all of his activity in what took place.

21 In hearing the testimony of Ms. Thilo and Corporal
22 Gill, I simply can't square that, either with Mr. Quesada's
23 testimony or your explanation of a difference in perception.
24 There was a reason he was driving over 90 miles an hour in a
25 residential area. He was trying to evade the police for a very

1 good reason; there was a large quantity of cocaine in his truck.
2 He was aware of it. He says that was not his 38, but yet he
3 picked it up, he took it with him. Why would you take a gun
4 with you, unless you had some intent to use it?

5 MR. WHITE: That's what I forgot to address. May I
6 address that briefly?

7 THE COURT: You certainly may.

8 MR. WHITE: Thank you, Judge. Again, I asked him
9 about that in some detail as well. I should say
10 parenthetically, I've had a chance to talk with him too much. I
11 couldn't find him last night, yesterday afternoon. The
12 authorities in Alamance said he wasn't there.

13 THE COURT: I can't accept your proffer of something.
14 If there is further evidence, you may present it, and you may
15 certainly argue anything that is in evidence or fairly inferable
16 from that, but I can't accept your proffer of testimony that has
17 not been offered.

18 MR. WHITE: I was getting ready to ask the Court's
19 permission to do that. So with that, I will have to sit down.

20 THE COURT: I will be glad for you to present further
21 evidence.

22 MR. WHITE: I don't think that's necessary, Judge.
23 Again, the hypothetical theories I more or less set forth on
24 Wednesday, that he panicked, he grabbed it to get it out of the
25 vehicle, I would reiterate those without proffering.

1 THE COURT: I have tried to think of a good reason
2 somebody would pick up the gun unless they felt there was some
3 reason to use it, or why Ms. Thilo would think she felt a gun in
4 her side when she didn't. I don't think that was a matter of
5 perception. I think Mr. Quesada did not commandeer the van
6 simply because Corporal Gill was yelling at him to get down on
7 the ground and throw the gun down.

8 I don't know whether he understood what Corporal Gill
9 was saying. I did get the perception in watching him testify,
10 that he was understanding questions in English before they were
11 translated, and sometimes you can tell the way somebody
12 swallows, that they are reacting to a statement that's being
13 made or a question being asked, and I did get that perception.

14 Regardless of that, however, I cannot accept the
15 testimony as being truthful or simply a difference of perception
16 that he did not intentionally point the firearm at Corporal Gill
17 or attempt with the firearm to commandeer the van.

18 I do not need to reach the questions about Mr. Sosa.
19 I do not find him to be a credible witness. I accept what
20 Detective Williams said with regard to the statements that he
21 made pertaining to money and amounts of cocaine following his
22 arrest.

23 I don't think we did address, Mr. White, and if you
24 would like to do that, I'll certainly be glad to hear from you,
25 why this would be one of those exceptional or extraordinary

1 cases where in the face of a finding of obstruction, he should
2 also receive credit for acceptance of responsibility.

3 MR. WHITE: If Your Honor please, I would simply point
4 out that the nature of the proceeding, in other words, Judge,
5 the acceptance of responsibility, he accepted full
6 responsibility for the offense conduct with which he's charged;
7 the cocaine conspiracy, and the only difference being the
8 timing, if you will, of the statement and the fact that there is
9 a disagreement as to exactly what his initial statement was with
10 regard to the hundred kilograms and payment of 30 kilograms.

11 The other situation, the discrepancy with regard to
12 the alleged kidnapping, the attempting carjacking, if you will.
13 He accepted the points on that situation, Judge. There was no
14 objection to the points that were assessed for that conduct,
15 along with the high speed chase conduct, so I would submit that
16 any misrepresentation there was not material, even though the
17 Court obviously has found that there is a discrepancy.

18 With regard to the pointing of the gun at the officer,
19 again, it is relevant to a sentencing determination question.
20 It's a huge enhancement, six level enhancement, and he simply
21 contends that it didn't happen and there is not much more I can
22 say about that.

23 Judge, he not only accepted responsibility for the
24 conduct for which he was apprehended, Judge, but he did continue
25 to cooperate. There are allegations that he was not as

1 forthright as he could have been in the course of that
2 cooperation, yet he did give a great deal of information, and
3 rode with the detectives located the various locations and did
4 provide that kind of response --

5 THE COURT: Well, the testimony I remember from
6 Detective Williams about that was, except for one place, which
7 was a cold place, that statements he made to the officers
8 were -- I heard something that cocaine was being sold here, and
9 that he never, except for possibly one place, said I know what
10 was happening there, I was involved in what was happening there,
11 so if that is the case, that does not seem to me to be a
12 terribly great effort to cooperate or give information. Maybe
13 I'm misunderstanding.

14 Did I misunderstand that?

15 MR. WHITE: I think with regard to that particular
16 testimony, I think that's certainly a fair way to interpret
17 Detective Williams' testimony.

18 THE COURT: And then I heard him say that Mr. Sosa was
19 not involved, that he really was not involved in knowing whether
20 money was in the truck or not when it left, or how much cocaine
21 had been there, and I heard you say you had gone around and
22 around with that, so I infer that's the position he was taking
23 when you and he were talking to the officer. So, I'm not sure I
24 see exactly what help he was.

25 MR. WHITE: Judge, again, in terms of the assistance,

1 obviously the Government did not file the motion we had hoped
2 they would file in the sentencing, in connection with that, and
3 that's within their discretion. We didn't argue that. In terms
4 of accepting responsibility, I would say he did accept his
5 responsibility, and went above and beyond just saying, yes, I
6 did it. He did provide some additional information, by all
7 accounts. We think it was a lot more than the Government
8 interpreted it as. I think it's certainly sufficient to
9 establish acceptance of responsibility.

10 THE COURT: Well, what I heard was a denial of much of
11 what I thought was shown to be his responsibility, and hearing
12 that, it does seem to me, that this cannot be that acceptance,
13 or extraordinary case where both would apply, so I do find that
14 he should not receive credit for accepting responsibility.

15 I have no idea where that all comes out within the
16 guideline computation.

17 Mr. Miller.

18 THE PROBATION OFFICER: Your Honor, with the
19 additional two levels for obstruction, that would place him at
20 level 46, which under the guidelines would be 43, which is the
21 top of the offense levels. No acceptance of responsibility
22 would remain at level 46. Guideline range is life, Your Honor.

23 THE COURT: Do you agree with that, Mr. White? I'll
24 be glad to hear from you if you do.

25 MR. WHITE: Only to the extent I've argued until I

1 disagree with it, Your Honor.

2 THE COURT: You disagree with the finding, but not
3 given the finding with the guideline?

4 MR. WHITE: I believe the total offense level was 41,
5 Judge, as originally calculated adding the two levels takes it
6 to 43, adding three additional levels for subtracting or
7 negative, negative, does it take it to 46, Your Honor.

8 THE COURT: And you agree with what Mr. Miller has
9 said, Mr. Galyon?

10 MR. GALYON: Yes, sir.

11 THE COURT: Mr. Galyon, is it your position, that
12 Mr. Quesada is deserving of no consideration for whatever
13 cooperation he may have given, which would equate to a sentence
14 of less than life?

15 MR. GALYON: Your Honor, that is correct. And, I
16 would take that position based on both the evidence that you
17 heard yesterday or on Wednesday with respect to this Defendant's
18 information and the fact that none of the information that he
19 gave about being at locations, save and except one of those
20 locations was information based on his personal knowledge, and
21 then beyond that, that the location that he gave information
22 about, the officers have not been able to do anything based on
23 that.

24 Then of course with respect to the codefendant, I
25 think that was particularly telling, that even though initially

1 he gave information about the involvement of Mr. Sosa Dominguez,
2 his later recantation of that, which he continued with on
3 Wednesday, that Mr. Sosa Dominguez didn't know anything about
4 it. Again, I just don't think that that squares with the
5 evidence as well as with his prior statement.

6 So, you know, I understand it's a harsh sentence, but
7 I don't see any reason to provide or say that there is a basis
8 for the Court to depart downward, based on his efforts early on.
9 So that would be my position.

10 THE COURT: Thank you, sir.

11 Mr. White.

12 MR. WHITE: Thank you, Your Honor. Judge, again, I
13 agree with Mr. Galyon that is a harsh sentence, and of course
14 looking at the 3553 factors, the Court does need to consider the
15 propriety of the sentence in light of all of the circumstances.

16 Obviously, Judge, Mr. Quesada has been involved in a
17 drug conspiracy of some length and some duration, and he stands
18 facing very, very serious punishment for that. The punishment,
19 based on the Court's findings of his testimony Wednesday and
20 today, has increased that punishment from a sentence roughly 32
21 years low end of the guideline range to life in prison. I
22 submit, Your Honor, that enhancement is disproportionate to the
23 actual conduct which resulted, in light of all of the factors.

24 Judge, I would like to call your attention to some
25 more positive aspects of the presentence report. Mr. Quesada

1 came to this country about ten years ago and he came here not
2 involved in a drug conspiracy, to become involved in a drug
3 conspiracy. He's hardworking. You can see he worked for five
4 years at Pegram West, worked at other businesses, construction,
5 restaurant industries and ended up owning his own club with
6 another gentleman at the time this conduct started, whether
7 there is a relationship there, Judge, I don't know, but he has
8 always been hardworking.

9 He has four children. He has strong support in the
10 community. His wife is here. He was separated from his wife at
11 the time of this incident. They have reconciled and come
12 together in part because of this adversity he's been facing. He
13 has close friends in the community, in the business community.
14 As well as helping him get started, they were here Wednesday.
15 They are here today. His children are here and, Judge, you
16 certainly recall when he was testifying, and I insensitively
17 asked him to identify his family members here, he became
18 emotional, walked off the stand, literally couldn't finish that
19 answer. Judge, that's indicative of what I would characterize
20 as, in my personal experience, perhaps the largest disparity
21 between offense conduct and the person I've come to know sitting
22 next to me. It is remarkable.

23 These people are loving, supportive, caring, came
24 forward to see me on a regular basis. We've become friends
25 almost -- we would be friends, trying to establish a

1 professional relationship, keeping it such, same with
2 Mr. Quesada.

3 He did, again, provide as much assistance as I think
4 he could. We would contend the main actor in this conspiracy
5 escaped that day. Mr. Quesada knew there was no way that he
6 could make contact with him, in light of the fact that he was
7 apprehended, and that was a given and that, again, went through
8 and through. Should he be apprehended, Mr. Quesada would come
9 forward and would -- he would hopefully have a chance to address
10 that at another time.

11 Judge, to sentence this 35 year old young man to life
12 is obviously what the guidelines call for, and this is serious
13 conduct. I would urge Your Honor, however, to fashion a
14 sentence more along the lines of the original recommendation in
15 the presentence report, or even less, Judge, because putting
16 this man -- Judge, putting this man on probation would probably
17 be sufficient punishment, the way he's conducted himself and the
18 way this has impacted his family. Obviously I wouldn't suggest
19 that the Court do that with any sort of credible fashion, but to
20 sentence him to life, Judge, is simply way, way more than is
21 necessary to punish this guy.

22 THE COURT: Thank you, Mr. White.

23 Mr. Quesada, I would be glad to hear anything that you
24 would like to say at this time.

25 THE DEFENDANT: Yes.

1 THE COURT: Is there anything that you would like to
2 say?

3 THE DEFENDANT: I would like to tell you everything
4 from the beginning to see if you can understand it.

5 THE COURT: Okay.

6 THE DEFENDANT: When I was stopped, I stopped. When
7 the police stopped me, in a span of 30 seconds, Arlay told me
8 they want to arrest me. He took out the gun and he had it in
9 his hand. He said, hurry, press, you know, start running fast
10 and don't stop, and that's what I did. Driving fast.

11 During that time that we were driving fast, I told him
12 to get out of the car. He said, no, they are going to arrest
13 me. So Amado Sosa said if you don't stop -- stop, because I
14 want to get out, and he had the gun in his hand and he said
15 nobody stops, because they are going to arrest me.

16 During that time was when we had the crash and he
17 dropped the gun and I took it because I wanted to throw it out,
18 and I knew he had a backpack and I only saw that.

19 So when we crashed, we started running and I took the
20 gun because I thought there was nothing else, and I wanted to
21 get that gun out of the car. When I started running, I did hide
22 behind the van. When I hid behind the van, I had not seen the
23 woman. She did see me and that's when she screamed. I had not
24 pointed the gun at her or anything, and at that moment, I said,
25 The police is coming, and I started running again.

1 The only thing I did was to run, run. I never pointed
2 the gun at the policeman. With Mr. Williams, I did tell him the
3 money that was in the truck, because Arlay had told me that, but
4 I never said anything about something being in the trailer. It
5 is possible that he's confusing the trailer and the truck.
6 Everything I told him has been recorded and he can listen to it.
7 He recorded everything and he could show it, present it, the
8 recording.

9 THE COURT: Is there anything else that you would like
10 to say?

11 THE DEFENDANT: I'm just -- I feel a little
12 overwhelmed, and I can't think of anything else to say.

13 THE COURT: Well, would you like additional time?
14 Would you like for us to take a break?

15 THE DEFENDANT: No. I'm fine.

16 THE COURT: I hear what you say. It's difficult to
17 believe that version as you describe it, that somebody who would
18 threaten you with a firearm would just leave it in the truck
19 when it crashed, and that you, who had been threatened, would
20 then pick it up for the purpose of doing something else with it,
21 and then the other people would misperceive your actions as they
22 did.

23 THE DEFENDANT: I'm sorry, I didn't say that Arlay was
24 threatening me with the gun. He just had it in his hand and he
25 just said hurry up, because they want to arrest me.

1 THE COURT: In examining the 3553(a) factors, I really
2 do not find any that make me feel a sentence less than the
3 advisory guideline range would be appropriate. I wish I did.
4 There is nothing about imposing a life sentence that I find
5 attractive or something that I want to do, but it is determined
6 in this case, that Mr. Quesada be committed to the custody of
7 the Bureau of Prisons for the period of his natural life under
8 Count One. While it sounds certainly inconsistent, a period of
9 60 months to run consecutively under Count Three, with a period
10 of supervised release of five years under Count One, to run
11 concurrently with three years under Count Three, with the
12 special condition, should you be deported following release,
13 should you be released from the Bureau of Prisons, Mr. Quesada,
14 you may not re-enter the United States during that period
15 without first getting permission from the Secretary of Homeland
16 Security to do so, to ever come back, even after that five year
17 period, would subject you to prosecution under a different law
18 of the United States, which says once a person has been
19 deported, they may not come back without getting permission, and
20 that statute makes it a more serious offense for somebody who
21 has been deported after being found guilty of what is known as
22 an aggravated felony. A drug offense such as this would be an
23 aggravated felony, so there would be a stiff penalty that you
24 would be subjected to if you came back at any time, but if you
25 came back within that five year period of supervised release,

1 then there would be two different periods of imprisonment that
2 you would be facing, which you could not serve together. You
3 would have to serve one and finish service of that before you
4 could begin service of the other.

5 It is determined that a fine would work an undue
6 hardship, certainly in view of the sentence that was imposed.

7 The \$200 special assessment may be paid through the
8 financial responsibility unit of the prison facility where you
9 are sent to serve your time.

10 MR. WHITE: I have that. We can take care of that
11 today.

12 THE COURT: You, of course, have the right to appeal.
13 An appeal would have to be filed within ten days of the time
14 judgment is entered. If not, you would waive your right to
15 appeal, so talk with Mr. White, and he will be glad to file that
16 notice on your behalf. You will do that?

17 MR. WHITE: Of course, Your Honor.

18 THE COURT: With regard to a destruction order? Since
19 Mr. Quesada claims that was not his firearm, would there be any
20 objection to it being destroyed?

21 MR. WHITE: No standing to make such an objection,
22 Your Honor.

23 THE COURT: So at the conclusion of the period for
24 appeals, it is ordered that insofar as Mr. Quesada is concerned,
25 that he makes no claim either to the firearm or the drugs and

1 they may be destroyed insofar as they are not being held for
2 evidence or as property of someone.

3 Thank you, Mr. White.

4 MR. WHITE: Thank you, Your Honor. In light of the
5 other issues we discussed, I don't know if I moved to dismiss
6 Count Two. I will make that motion, if I haven't already done
7 so.

8 THE COURT: Count Two is dismissed.

9 Do you have anything further, Mr. Galyon?

10 MR. GALYON: I think the only other thing would be a
11 request as to destruction of the drugs, in addition to the
12 firearms.

13 THE COURT: I included that with the firearms.

14 MR. GALYON: There was the one firearm that was,
15 "his," and I wanted to make sure we got a destruction order as
16 to that. There were two SKS's that were found beside the Titan.
17 I would request as to all of the firearms, that those be
18 destroyed at the end of the appellate period.

19 THE COURT: Is there an objection, Mr. White,
20 Mr. Quesada, with regard to the destruction order with regard to
21 any of the firearms?

22 MR. WHITE: No, Your Honor.

23 THE COURT: You agree with that, Mr. Quesada?

24 THE DEFENDANT: Uh-huh.

25 THE COURT: The destruction order will include the two

1 SKS rifles, the 25 caliber pistol and the 38.

2 Thank you.

3 MR. WHITE: Thank you.

4 (This matter was concluded at 10:12 a.m.)

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1 C E R T I F I C A T E

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3 I, J. CALHOUN, RPR, United States District Court
4 Reporter for the Middle District of North Carolina, DO HEREBY
5 CERTIFY:

6

7 That the foregoing is a true and correct transcript of
8 the proceedings had in the within-entitled action; that I
9 reported the same to typewriting through the use of
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12 THIS TRANSCRIPT CERTIFICATION IS VOID, IF THE SIGNATURE
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14 THIS MATTER.

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16

17 Date: 7/10/08 /s/ J. Calhoun
18 J. Calhoun, RPR
19 Official Court Reporter

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